

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2022

COUNCIL BILL NO. CB22-0044
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 3178 South Dayton Court in Hampden.

WHEREAS, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment set forth below conforms with applicable City laws, is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the City, will result in regulations and restrictions that are uniform within the S-SU-F, with waivers district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent of the proposed zone district;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

- a. The land area hereinafter described is presently classified as S-SU-F.
- b. It is proposed that the land area hereinafter described be changed to S-SU-F, with waivers.
- c. The applicant has provided a written representation approving of certain waivers to the requested change in zoning classification related to the development, operation, and maintenance of the land area as follows:

1. Waive the prohibition of the Detached Accessory Dwelling Unit building form in Denver Zoning Code Section 3.3.4.4 District Specific Standards Summary, and instead shall be “Allowed” subject to the Denver Zoning Code Section 3.3.4.5 District Specific Standards applicable to the Detached Accessory Dwelling Unit building form in the S-SU-F1 zone district. The intent of the waiver is to allow the Detached Accessory Dwelling Unit building form subject to appropriate form standards.

2. Waive the “NP” (Not Permitted Use) zoning review procedure for Accessory Dwelling Unit use in the Accessory to Primary Residential Uses Use Category in District Specific Standards in Denver Zoning Code Section 3.4.4, and instead shall be “L-ZP” (Permitted Use with Limitations). The intent of the waiver is to allow the Accessory Dwelling Unit use, subject to applicable use limitations.

1 3. Waive the minimum zone lot depth of 150' in Denver Zoning Code Section 3.3.4.5 District
2 Specific Standards applicable to the Detached Accessory Dwelling Unit building form in the
3 S-SU-F1 zone district.
4

5 **Section 2.** That the zoning classification of the land area in the City and County of Denver
6 described as follows or included within the following boundaries shall be and hereby is changed to
7 S-SU-F, with waivers:

8 Lot 1, Block 35, Hampden Heights, 4th Filing, City and County of Denver, State of Colorado.
9 in addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof,
10 which are immediately adjacent to the aforesaid specifically described area.

11 **Section 3.** The foregoing change in zoning classification is based upon the applicant's
12 representations approving certain waivers, which certain waivers are set forth in Section 1(c) hereof;
13 and no permit shall be issued except in strict compliance with the aforesaid certain waivers. Said certain
14 waivers shall be binding upon all successors and assigns of the owner, who along with the owner shall
15 be deemed to have waived all objections as to the constitutionality of the aforesaid certain waivers.

16 **Section 4.** That this ordinance shall be recorded by the Manager of Community Planning and
17 Development in the real property records of the Denver County Clerk and Recorder.

18 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: January 18, 2022 by Consent
2 MAYOR-COUNCIL DATE: January 25, 2022 by Consent
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____
10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: January 27, 2022
11 Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 § 3.2.6 of the Charter.
15
16 Kristin M. Bronson, Denver City Attorney
17
18 BY: *Jonathan Griffin*, Assistant City Attorney DATE: Jan 26, 2022